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Fiscal Note

Drafting Number:	LLS 23-0995	Date:	April 24, 2023
Prime Sponsors:	Sen. Winter F.; Marchman Rep. Bacon	Bill Status:	Senate Education
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Bill Topic:	PREVENT HARASSMENT & DISCRIMINATION IN SCHOOLS
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Summary of Fiscal Impact:	<input type="checkbox"/> State Revenue	<input type="checkbox"/> TABOR Refund
	<input checked="" type="checkbox"/> State Expenditure	<input checked="" type="checkbox"/> Local Government
	<input type="checkbox"/> State Transfer	<input type="checkbox"/> Statutory Public Entity

The bill requires that public schools adopt a formal policy protecting students from harassment or discrimination, train staff annually, and collect and pass data on reported incidents to school districts and the state. The bill increases state and school district expenditures beginning FY 2023-24

Appropriation Summary:	No appropriation is required
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Fiscal Note Status:	The fiscal note reflects the introduced bill. Due to time constraints, this analysis is preliminary and will be updated following further review and any additional information received.
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Summary of Legislation

The bill requires that a public school accept reports of harassment or discrimination in writing or in person, by phone or email, online, or via the Safe2Tell program in the Department of Law. Public schools must post notices in multiple places informing students how to report harassment or discrimination, and adopt procedures for investigating reports. Report case files must be retained for seven years.

The bill requires that schools allow excused absence to a student experiencing harassment or discrimination, and provide accommodations and supportive measures such as counseling, extended time for homework or tests, or modified class schedules.

No later than July 1, 2024, public schools must adopt a written policy protecting students experiencing harassment or discrimination and make it available to students, parents, and staff. The policy must contain reporting procedures, designated school staff contacts, information on resources and amnesty protections for students, and supports and accommodations available from the school. Schools must provide annual training to staff about harassment and discrimination, including training about the school's policy.

Schools must report the number of harassment or discrimination reports, the type of bias reported and the time to complete each investigation to school districts. Districts must pass the reports to the Colorado Department of Education (CDE), and the department must report the information to the Sexual Misconduct Advisory Committee in the Department of Higher Education (DHE)

Finally, the bill waives immunity for a public entity for a failure to comply with any requirement concerning harassment or discrimination of students in public schools.

State Expenditures

The bill increases workload and information technology costs in both the CDE and the DHE to receive and pass information from schools and school districts. The bill makes no requirements to further compile or analyze school level data. The effort to receive and transmit the new data is estimated to be small and does not require additional appropriations.

School District

Public schools and districts will have an increase in workload and expenses to create a harassment and discrimination reporting policy, annually train all staff, and to collect data and information on reports of harassment and discrimination. Costs also increase for investigations and reporting reported incidents to school districts, and to the CDE. The bill potentially increases liability costs for school districts from waiving government immunity in some cases. However, it is assumed that school districts will comply with the bill and continue to be covered by government immunity limits.

Effective Date

The bill takes effect 90 days following adjournment of the General Assembly sine die, assuming no referendum petition is filed.

State and Local Government Contacts

Education Law